

IN RE: PETITION FOR ZONING VARIANCE
SE Corner Winands Road and
Amy Lane (9009 Winands Road)
2nd Election District
2nd Councilmanic District
Eugene Banks
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-304-A

MEMORANDUM AND ORDER

The Petitioner herein requests a variance to permit an existing fence 72 inches high at a distance of 2 feet between said fence and the adjacent front yard property line instead of the permitted 42 inches, as more particularly described by Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County his 23rd day of February, 1988 that an existing fence 72 inches high at a distance of 2 feet between said fence and the adjacent front yard property line instead of the permitted 42 inches, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED.

subject, however, to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process and this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 427 to permit a fence 72 inches high at a distance of 2 feet between said fence and the adjacent front yard property line instead of the permitted 42 inches.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)
Tremendous expense to have fence removed and cut. Would also require removal of cemented posts. Removal of posts would require that the entire 84 foot fence be moved to a new location.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property w-47,485 which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Lawrence M. Stahl

(Type or Print Name)

Signature

110 St. Paul St.

Address

Baltimore, Md. 21202

City and State

Attorney's Telephone No.: 685-0770

Legal Owner(s):

Eugene Banks

(Type or Print Name)

Signature

Address

City and State

9009 Winands Rd. 922-7342

Address Phone No.

Owings Mills, Md. 21117

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of November, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of February, 1988, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCE
SE Corner Winands Rd. & Amy Lane
(9009 Winands Rd.) 2nd District
EUGENE BANKS, Petitioner
Case No. 88-304-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Thyllis Cole Friedman
Thyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmelman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of December, 1987, a copy of the foregoing Entry of Appearance was mailed to Lawrence M. Stahl, Esquire, 110 St. Paul St., Baltimore, MD 21202, Attorney for Petitioner.

Peter Max Zimmelman

DESCRIPTION FOR VARIANCE
9009 WINANDS ROAD
2ND ELECTION DISTRICT

Beginning on the southeast corner of Winands Road, 60 feet wide, and Amy Lane, 50 feet wide, and known as Lot 27, Block D, as shown on the plat of Section 3 of "McDonough Park (Woodgate Addition)", which is recorded in the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 53, Folio 92.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 1-21-88
Posted for: Eugene Banks
Petitioner: Eugene Banks
Location of property: SE Corner Winands Road & Amy Lane
(9009 Winands Rd.)
Location of Sign: Corner of 9009 Winands Road
Remarks: None Date of return: 1-23-88
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan 21, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan 21, 1988.

THE JEFFERSONIAN,

Brian S. Schmitt
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, in accordance with the Zoning Law of Baltimore County, will hold a public hearing on the property described below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on Friday, February 9, 1988 at 2:00 P.M.
Variance for permit to fence 72 inches high at a distance of 2 feet between said fence and the adjacent front yard property line instead of the permitted 42 inches.
In the event that the petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will hold a public hearing on the matter for a day at the moment of said period during the period of said variance. The applicant must be in writing and received at the office in the date of the hearing or advisory or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1100 Sun 22

ORDER RECEIVED FOR FILING
Date 1/23/88
By *J. Robert Haines*

Eugene Banks
SE Corner Winands Rd & Amy Ln.
(9009 Winands Rd.)
2nd Election District

ORDER RECEIVED FOR FILING
Date 1/23/88
By *J. Robert Haines*

THE NORTHWEST STAR
23 Walker Avenue Suite
PIKESVILLE, MD 21208

Phone 653-3800

TO: Pobyen Clark, Zoning Office
Room 113, Co. Office Bldg.
111 W. Chesapeake Ave.
Towson, MD. 21204

TERMS 2% 10 days Net 20

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1/20	Legal advertisement, 3 col. inches P.O. #95566 REQ. #M10706	\$6.40	19.20

TRIPLICATE

Thank You!

the third publication appearing on the
day of _____, 1988

THE NORTHWEST STAR

Jon Berle
Manager

Cost of Advertisement \$19.20

February 23, 1988

Mr. Eugene Banks
9009 Winands Road
Owings Mills, Maryland 21117

RE: Petition for Zoning Variance
SE Corner Winands Road and Amy Lane
2nd Election District, 2nd Councilmanic District
Case No. 88-304-A

Dear Mr. Banks:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction used in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjs

Enclosures

cc: People's Counsel

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

December 2, 1987

Mr. Eugene Banks
9009 Winands Road
Owings Mills, Maryland, 21117

Re: Case number: 88-304-A
SE/Cor of Winands Road and Amy Lane
(9009 Winands Road)
2nd Election District - 2nd Councilmanic District
Petitioner: Eugene Banks

Dear Mr. Banks:

Please be advised that \$64.59 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

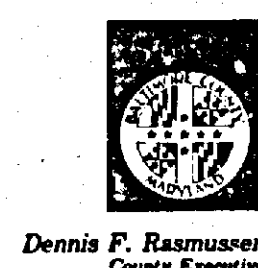
DATE: 12/9/87 ACCOUNT: 01-615-000

AMOUNT: \$ 64.59

RECEIVED FROM: Eugene Banks

FOR: Posting Advertising 2/9/88

VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 113 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-304-A
SE/Cor of Winands Road and Amy Lane
(9009 Winands Road)
2nd Election District - 2nd Councilmanic District
Petitioner: Eugene Banks
DATE/TIME: TUESDAY, FEBRUARY 9, 1988 at 2:00 p.m.

Variance to permit a fence 72 inches high at a distance of 2 feet between said fence and the adjacent front yard property line instead of the permitted 42 inches.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12/14/87 ACCOUNT: 01-615

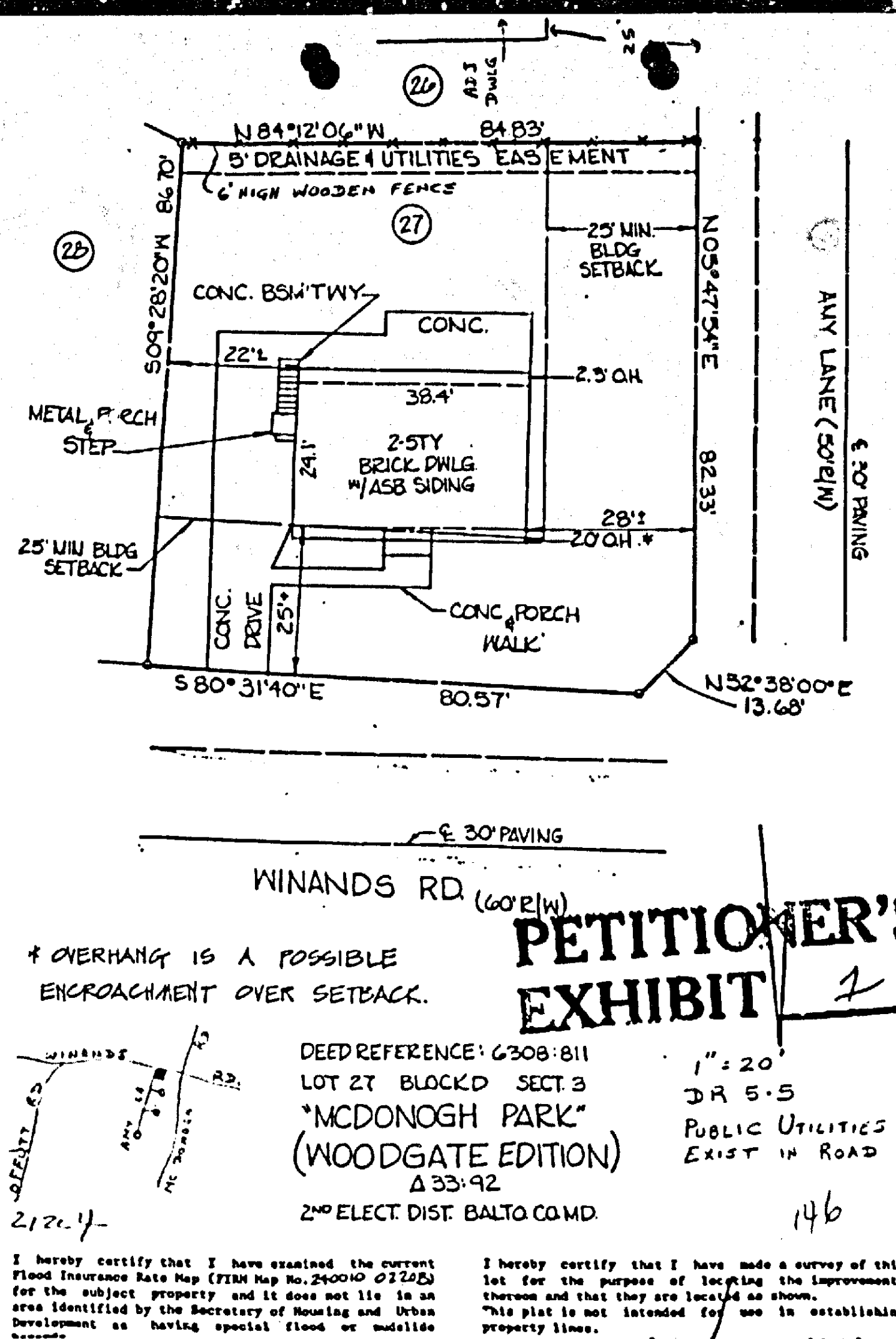
AMOUNT: \$ 35.00

RECEIVED FROM: Eugene Banks

FOR: Filing Fee For Variance 1/24/88

VALIDATION OR SIGNATURE OF CASHIER

ROBERT HAINES
Zoning Commissioner of
Baltimore County



88-304-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 13th day of November, 1987.

J. Robert Haines
Zoning Commissioner

Petitioner: Eugene Banks
Petitioner's Attorney: Lawrence M. Stahl, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Eugene Banks

Location: SE/C Winands Road and Amy Lane

Item No.: 146

October 27, 1987

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning & Zoning Division Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 3, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Lawrence M. Stahl, Esquire
110 St. Paul Street
Baltimore, Maryland 21202

RE: Item No. 146 - Case No. 88-304-A
Petitioner: Eugene Banks
Petition for Zoning Variance

Dear Mr. Stahl:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3334

Zoning Commissioner
County Office Building
Towson, Maryland 21204

November 10, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 138, 140, 141, 142, 145, 146, 147, and 148.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MS:fst

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer
Zoning Supervisor

Date: November 4, 1987

FROM: James Thompson
Zoning Enforcement Coordinator

Item No.: 146 (if known)
SUBJECT: Petitioner: Banks (if known)

VIOLATION CASE # C-87-2087

LOCATION OF VIOLATION: 9009 Winands Road

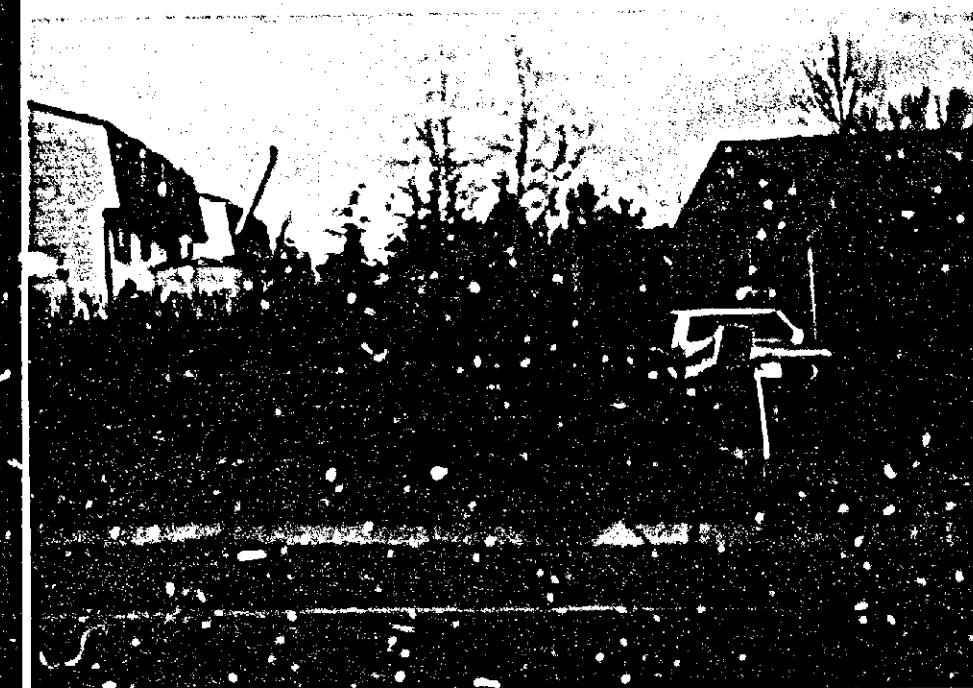
DEFENDANT: Eugene Banks ADDRESS: 9009 Winands Road, Owings Mills, MD 21117

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME: Vera Green ADDRESS: 4021 Amy Lane, Owings Mills, MD 21117

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

PETITIONER(S) EXHIBIT (2)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO Zoning Commissioner

Date December 21, 1987

Norman E. Gerber, AICP
FROM Director of Planning and Zoning

Zoning Petition Nos. 88-304-A, 88-305-A,
SUBJECT 88-306-A, 88-307-SPH, 88-308-A, 88-309-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber per J. Haines
Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

November 4, 1987

Mr. Eugene Banks
9009 Winands Road
Owings Mills, Maryland 21117

RE: Case No. C-87-2087
9009 Winands Road
2nd Election District

Dear Mr. Banks:

Thank you for your letter of September 29, 1987. I am in agreement with you that Section 427, which was established by Council Bill No. 111-86, has certain elements that are somewhat unclear.

Regarding similar violations in your neighborhood, if you will provide us with the addresses of those locations where you suspect violations exist, we will investigate them accordingly.

Please be advised that this office is not involved in the issuance of residential fence permits. This process is handled entirely by the Department of Permits and Licenses. However, we share the responsibility with their Building Inspection Division to enforce the building laws and zoning regulations of Baltimore County. If there is a violation after a permit has been issued, then we will address the violation at that time.

Finally, in reviewing the case file, it is noted that you filed a Petition for Variance, Item No. 146, on October 15, 1987. Please be advised that you will be notified when a hearing date and time has been scheduled.

If you have any questions regarding your petition, please feel free to call the Zoning Coordinator's office at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bja

cc: Case File (88-304-A)
File

bcc: Councilman Melvin Mintz